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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

7 IN RE: VOLKSWAGEN “CLEAN DIESEL” MDL No. 2672 CRB (JSC)  
8 MARKETING, SALES PRACTICES, AND  
9 PRODUCTS LIABILITY LITIGATION

—————/  
**ORDER GRANTING MOTION TO  
DISMISS**

10 This Order Relates To:  
11 MDL Dkt. No. 1567

12 *Martin*, 3:16-cv-00712-CRB  
13 —————/

14 The record supports that defendant Santander Consumer USA Inc. has not been served  
15 with the complaint in *Martin*, and more than 90 days have passed since the complaint was filed.  
16 (See MDL Dkt. No. 1567-1, Fuller Decl. ¶ 2.) Good cause for the failure to serve Santander has  
17 not been shown. The Court therefore GRANTS Santander’s motion to dismiss the action against  
18 it without prejudice. See Fed. R. Civ. P.4(m) (“If a defendant is not served within 90 days after  
19 the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must  
20 dismiss the action without prejudice against that defendant or order that service be made within a  
21 specified time.”)

22 **IT IS SO ORDERED.**

23 Dated: October 11, 2019



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25 CHARLES R. BREYER  
26 United States District Judge  
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